

Clergy abuse lawsuit rejected

Woman waited too long to file, state court says

LOBBYING TO CHANGE LAW 8A

By Michael Zeigler
Staff writer

A Rochester woman waited too long to file a \$7 million civil lawsuit charging a Catholic religious brother with sexually abusing her for 28 years, a state Supreme Court justice ruled yesterday.

In dismissing a lawsuit filed by Nancy Maher against Brother John Laurence Heathwood and three religious institutions, Justice Harold L. Galloway said the statute of limitations had expired as long ago as 1973.



John Laurence Heathwood

Although Maher's lawyers had asked Galloway for a precedent-setting decision that would extend the statute of limitations, Galloway said only the state Legislature had the power to do that.

But he urged the Legislature to consider whether the statute of limitations should be extended in sexual-abuse cases.

"The courts, however, are without authority to do so," Galloway's written decision noted.

"From our perspective, what he said is that he's not the Legislature and he doesn't make the rules; he just applies the rules," said Heathwood's lawyer, David Rothenberg.

Rothenberg said Heathwood was pleased by the decision but would not comment further.

Maher, however, said Galloway's decision disappointed and angered her.

"I'm very sorry that the judge could not find it in his heart to stop things like this from happening," she said. "I'm sorry that everyone is hiding behind the law."

The YWCA of Greater Rochester, the Greater Rochester chapter of the National Organization for Women, and Women Against a Violent Environment issued a statement saying they were disappointed in Galloway's decision not to allow Maher to continue her lawsuit.

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Abuse case against clergyman dismissed

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"It is critical that women who experience sexual abuse at a young age are given the opportunity to address this violence through the courts, and at a time when they are emotionally able to deal with the abuse," said Barbara Moore, executive vice president of NOW in the state.

Maher, 41, filed the lawsuit July 1 against Heathwood, Bishop Kearney High School, the Congregation of Christian Brothers of Ireland and the Roman Catholic Diocese of Rochester.

She alleged that Heathwood, who taught math and drama at Bishop Kearney from 1964 to 1974, had begun sexually abusing her when she was a student there at age 12.

The abuse continued for 28 years and was so severe that it left her unable to conceive children, the lawsuit claimed.

The last incident occurred in July 1992 when Heathwood, who then was teaching at a Catholic school in Rhode Island, visited Maher and "mashed his body against hers,

pressed his knees into her genitals and grabbed her breast," according to the lawsuit.

The suit asked for \$6 million in damages for 16 "causes of action" ranging from "lewd and lascivious conduct" by Heathwood to "negligence and breach of trust" by the school, the diocese and the religious order.

Maher's husband, Martin, also sought \$1 million in damages for loss of intimate companionship with his wife.

Although Galloway said Maher could still pursue an allegation that Heathwood sexually abused her as recently as 1992, he said Maher hadn't shown enough evidence to allow action involving that allegation to continue.

Heathwood moved to Westchester County in 1974 and taught at Iona College. He moved in 1983 to Warwick, R.I., where he taught at Bishop Hendricken High School until June, when he was removed just before his retirement.

His removal came after Maher and her lawyer met with Heathwood's superiors to try to reach a settlement and avoid legal action. □

Alleged abuse victim to lobby Legislature

Says 'unjust laws are meant to be changed'

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Although she lost her lawsuit yesterday, Nancy Maher said she hasn't given up her fight.

Her next step: Lobbying to change a state law that sets time limits on the filing of sexual abuse lawsuits.

"Unjust laws are meant to be changed," she said. "They're basically protecting the perpetrator."

"The message is that if you do the horrible things this man did to me and wait long enough, the law will protect you."

Maher, 41, of Rochester, filed a \$7 million lawsuit July 1 against Brother John Laurence Heathwood, charging he began abusing her when she was a student at Bishop Kearney High School and continued for 28 years.

State Supreme Court Justice Harold L. Galloway dismissed the suit yesterday, saying the suit had been filed well beyond time periods allowed in the state's statutes of limitation.

In his decision, however, Galloway said the state Legislature should consider extending the statute of limitations in cases such as Maher's, allowing cases to be filed after the victims reach adulthood.

And Maher, who noted that other states have already followed Galloway's suggestion, said she's willing to try.

"The only way I can ever receive any kind of closure on this situation, which has ruined the greater majority of my life, is to change the law," she said. "I don't know what that closure will be, but I feel I'll be happy if I change the law so other victims aren't frustrated the way I have been."

Maher, whose suit claimed she was abused so severely that she was left unable to bear children, said she filed the suit because she decided after receiving therapy that her story had to be told.

'Secrets are meant to be told, and secrets like this ruin people's lives, and this secret almost ruined my life. It's wrong. It's a crime.'

— Nancy Maher

"I realized that I had to come to terms with it," she said. "I filed the suit so people involved in this would sit up and take notice."

"I never wanted to do any litigation at all, but it has to start somewhere," Maher said. "Someone has to have the courage to come forward."

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